

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

**Icxandro SANTIAGO,
Defendant.**

Crim. No. 15-418 (KM)


MEMORANDUM and ORDER

Before the court is a letter from Icxandro Santiago, who is currently serving a sentence of 36 months, imposed by this Court on October 26, 2016. Mr. Santiago requests a free copy of the transcript of his sentencing, "so that I may work on my appeal and do my own research." (ECF no. 29) Mr. Santiago has no appeal pending, and the time to appeal has run. *See* Fed. R. App. P. 4(b) (criminal defendant's notice of appeal must be filed within 14 days after entry of judgment or the government's filing of notice of appeal).

The government has filed a notice of appeal on November 26, 2016. It is common for the U.S. Attorney's office to file a timely "protective" notice of appeal in advance of a decision whether to proceed. Should the government proceed with the appeal, it will be the government's responsibility to order the relevant record items, and to assemble an appendix, a copy of which will be served on Mr. Santiago as appellee. Fed. R. App. P. 30. In an appeal involving sentencing issues, the appendix would ordinarily include the sentencing transcript. Accordingly,

IT IS this 28th day of February, 2017,

ORDERED that the defendant's application (ECF no. 29) is DENIED as unnecessary.


KEVIN MCNULTY, U.S.D.J.